

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1051-01
Bill No.: SB 197
Subject: Health, Public; Health Department
Type: Original
Date: February 5, 2013

Bill Summary: This proposal modifies current provisions relating to tuberculosis treatment and prevention.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(Unknown, less than \$100,000)	(Unknown, less than \$100,000)	(Unknown, less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Unknown, less than \$100,000)	(Unknown, less than \$100,000)	(Unknown, less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services** assume the proposal would not fiscally impact their agency.

Officials from the **Columbia/Boone County Department of Public Health and Human Services (Department)** state the proposal would have an unknown fiscal impact on their organization. This unknown impact is due to the proposed section 199.290 which could lead to additional cases of tuberculosis being identified, thereby requiring local public health follow-up, disease investigation, case managing, nursing services, etc. Since the department cannot estimate how any additional cases would be identified, it is not possible to estimate the fiscal impact.

Oversight assumes the likelihood of there being a significant number of tuberculosis cases in a particular county to be very low. Therefore, Oversight assumes the proposal would have a minimal fiscal impact on local public health agencies.

Officials from the **Department of Corrections (DOC)** state the penalty provision component of this proposal (Class C felony) results in a potential fiscal impact for the DOC. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender costs either through incarceration (FY 11 average of \$16.878 per offender, per day, or an annual cost of \$6,160 per inmate) or through supervision provided by the Board of Probation and Parole (FY 11 average of \$5.12 per offender, per day, or an annual cost of \$1,869 per offender). Therefore, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seventeen (17) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of exposing another to tuberculosis - a new Class D felony, or if a victim contracts tuberculosis from the violator, a new Class C felony.

ASSUMPTION (continued)

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal will have no measurable fiscal impact on the OPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

Oversight assumes the potential responsibilities imposed on county prosecutors as a result of this proposal, will be absorbable within current funding and staffing levels.

Officials from the **Department of Mental Health (DMH)** state facilities associated with the DMH are included in the definition of a “facility” under Section 199.170(5). Section 199.250 states the Department of Health and Senior Services (DHSS) retains the authority to contract with facilities to carry out the functions of these provisions.

The DMH assumes that its state operated psychiatric facilities would be inappropriate placements for tuberculosis (TB) commitments and, therefore, would neither contract with the DHSS for such commitments nor be compelled by a court to accept such commitments. The DMH assumes DHSS will not refer individuals with TB to a DMH facility. Therefore, the proposal places no obligations or requirements on the DMH that would result in a fiscal impact.

If this assumption is inaccurate, then the costs to the DMH could be significant.

Officials from the **Department of Social Services (DSS) - Division of Youth Services (DYS)** state this proposal is thought to have little impact on DYS. Upon enactment of the proposal, DYS would not anticipate any substantive increase in the number of youth committed to its care.

As DYS presently requires all youth in the Division’s care to be tested for tuberculosis as part of the Healthy Children and Youth Screening, enactment of this proposal could have bearing on the manner in which a youth with a positive test is managed, The DYS may have to amend policies and provide training to ensure compliance with the new law. However, DYS would be able to utilize existing personnel to affect the changes at no additional cost to the agency.

ASSUMPTION (continued)

Officials from the **DSS - Human Resource Center** state unless the employee or a local health authority informed the agency that the employee had an active tuberculosis case, DSS would not have access to that information. Therefore, there would be no fiscal impact.

Officials from the **DSS - MO HealthNet Division (MHD)** state the requirements of this proposal fall to the Department of Health and Senior Services. The treatments described in the proposal are covered under MHD. Therefore, there would be no fiscal impact to MHD.

Officials from the **DSS - Division of Financial and Administrative Services** state the proposal specifically states that any payment for treatment contracted for by Department of Health and Senior Services (DHSS) would be available only after benefits from all third-party payers have been exhausted. Therefore, there would be no savings to MHD because MHD would have to pay first and DHSS funds would be reserved for non-Medicaid eligibles.

Officials from the **Department of Higher Education (DHE)** state the proposal would have no direct, foreseeable fiscal impact on the DHE.

Section 199.340.2 requiring all colleges and university campuses in Missouri to implement a “targeted testing program”, as defined in Section 199.170 (12), for all on-campus students may have any impact on all public and private institutions of higher education offering on-campus courses in the state. Public colleges and universities were included in the request for fiscal impact and the DHE would defer to them for the fiscal impact of the proposal for those entities.

Officials from **Barton County Memorial Hospital** stated the proposal would have no significant fiscal impact on their organization.

Officials from the **Office of Administration**, the **Office of State Courts Administrator**, the **Harrison County Health Department**, **Linn State Technical College**, **Missouri Southern State College**, **Missouri State University**, **Northwest Missouri State University** and **University of Central Missouri** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Miller County Health Center** and **Reynolds County Public Health Agency** responded to **Oversight’s** fiscal note request but did not provide a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
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GENERAL REVENUE FUND

Cost - DOC

Increase in incarceration/parole costs	<u>(Unknown, less than \$100,000)</u>	<u>(Unknown, less than \$100,000)</u>	<u>(Unknown, less than \$100,000)</u>
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ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND

<u>(Unknown, less than \$100,000)</u>	<u>(Unknown, less than \$100,000)</u>	<u>(Unknown, less than \$100,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
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<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This proposal modifies current provisions relating to tuberculosis ("TB") treatment, prevention and commitment by granting more authority to the Department of Health and Senior Services and local public health authorities.

It shall be a Class D felony for any individual knowingly infected with active pulmonary or laryngeal TB to expose another person without that person's consent or report to work with active contagious TB and without following the prescribed treatment or by violating the requirements of a commitment order. If a victim contracts TB, it shall be a Class C felony.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration
 Office of State Courts Administrator
 Department of Higher Education

SOURCES OF INFORMATION (continued)

Department of Mental Health
Department of Corrections
Department of Health and Senior Services
Department of Social Services -
 Division of Youth Services
 Human Resource Center
 MO HealthNet Division
 Division of Financial and Administrative Services
Joint Committee on Administrative Rules
Office of Prosecution Services
Office of Secretary of State
Office of State Public Defender
Columbia/Boone County Department of Public Health
 and Human Services
Harrison County Health Department
Miller County Health Center
Reynolds County Public Health Agency
Linn State Technical College
Metropolitan Community College
Missouri Southern State University
Missouri State University
Northwest Missouri State University
University of Central Missouri
Barton County Memorial Hospital



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